

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2470

Introduced by Assembly Member Karnette

February 21, 2008

An act to amend Section 626.10 of the Penal Code, relating to weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2470, as amended, Karnette. Crimes: weapons.

Existing law, subject to exception, provides that any person who brings or possesses, among other things, any instrument that expels a metallic projectile such as a BB or pellet through the force of air pressure, CO₂ pressure, or spring action, upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is guilty of a public offense, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.

This bill would expand the scope of the offense to include bringing or possessing any instrument that expels a nonmetallic BB or pellet.

Existing law, with limited exceptions, makes it a crime for persons to bring or possess specified weapons on the grounds of, or within, any private university, the University of California, the California State University or the California Community Colleges.

This bill would expand the above prohibition on weapons to include instruments that expel a metallic projectile such as a BB or a pellet, through the force of air pressure, CO₂ pressure, or spring action, or any spot marker gun. By ~~expanding~~ *changing* the scope of a

~~crime~~ *existing crimes*, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 626.10 of the Penal Code is amended to
2 read:

3 626.10. (a) Any person, except a duly appointed peace officer
4 as defined in Chapter 4.5 (commencing with Section 830) of Title
5 3 of Part 2, a full-time paid peace officer of another state or the
6 federal government who is carrying out official duties while in
7 this state, a person summoned by any officer to assist in making
8 arrests or preserving the peace while the person is actually engaged
9 in assisting any officer, or a member of the military forces of this
10 state or the United States who is engaged in the performance of
11 his or her duties, who brings or possesses any dirk, dagger, ice
12 pick, knife having a blade longer than 2 ½ inches, folding knife
13 with a blade that locks into place, a razor with an unguarded blade,
14 a taser, or a stun gun, as defined in subdivision (a) of Section 244.5,
15 any instrument that expels a metallic ~~projectile such as a~~ or
16 *nonmetallic* BB or a pellet, through the force of air pressure, CO₂
17 pressure, or spring action, or any spot marker gun, upon the
18 grounds of, or within, any public or private school providing
19 instruction in kindergarten or any of grades 1 to 12, inclusive, is
20 guilty of a public offense, punishable by imprisonment in a county
21 jail not exceeding one year, or by imprisonment in the state prison.

22 (b) Any person, except a duly appointed peace officer as defined
23 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
24 2, a full-time paid peace officer of another state or the federal
25 government who is carrying out official duties while in this state,
26 a person summoned by any officer to assist in making arrests or
27 preserving the peace while the person is actually engaged in
28 assisting any officer, or a member of the military forces of this

1 state or the United States who is engaged in the performance of
2 his or her duties, who brings or possesses any dirk, dagger, ice
3 pick, or knife having a fixed blade longer than 2 ½ inches, any
4 instrument that expels a metallic ~~projectile such as a~~ *or nonmetallic*
5 BB or a pellet, through the force of air pressure, CO₂ pressure, or
6 spring action, or any spot marker gun, upon the grounds of, or
7 within, any private university, the University of California, the
8 California State University, or the California Community Colleges
9 is guilty of a public offense, punishable by imprisonment in a
10 county jail not exceeding one year, or by imprisonment in the state
11 prison.

12 (c) Subdivisions (a) and (b) do not apply to any person who
13 brings or possesses a knife having a blade longer than 2 ½ inches
14 or a razor with an unguarded blade upon the grounds of, or within,
15 a public or private school providing instruction in kindergarten or
16 any of grades 1 to 12, inclusive, or any private university, state
17 university, or community college at the direction of a faculty
18 member of the private university, state university, or community
19 college, or a certificated or classified employee of the school for
20 use in a private university, state university, community college,
21 or school-sponsored activity or class.

22 (d) Subdivisions (a) and (b) do not apply to any person who
23 brings or possesses an ice pick, a knife having a blade longer than
24 2 ½ inches, or a razor with an unguarded blade upon the grounds
25 of, or within, a public or private school providing instruction in
26 kindergarten or any of grades 1 to 12, inclusive, or any private
27 university, state university, or community college for a lawful
28 purpose within the scope of the person's employment.

29 (e) Subdivision (b) does not apply to any person who brings or
30 possesses an ice pick or a knife having a fixed blade longer than
31 2 ½ inches upon the grounds of, or within, any private university,
32 state university, or community college for lawful use in or around
33 a residence or residential facility located upon those grounds or
34 for lawful use in food preparation or consumption.

35 (f) Subdivision (a) does not apply to any person who brings an
36 instrument that expels a metallic ~~projectile such as a~~ *or nonmetallic*
37 BB or a pellet, through the force of air pressure, CO₂ pressure, or
38 spring action, or any spot marker gun upon the grounds of, or
39 within, a public or private school providing instruction in

1 kindergarten or any of grades 1 to 12, inclusive, if the person has
2 the written permission of the school principal or his or her designee.

3 (g) Any certificated or classified employee or school peace
4 officer of a public or private school providing instruction in
5 kindergarten or any of grades 1 to 12, inclusive, may seize any of
6 the weapons described in subdivision (a), and any certificated or
7 classified employee or school peace officer of any private
8 university, state university, or community college may seize any
9 of the weapons described in subdivision (b), from the possession
10 of any person upon the grounds of, or within, the school if he or
11 she knows, or has reasonable cause to know, the person is
12 prohibited from bringing or possessing the weapon upon the
13 grounds of, or within, the school.

14 (h) As used in this section, “dirk” or “dagger” means a knife or
15 other instrument with or without a handguard that is capable of
16 ready use as a stabbing weapon that may inflict great bodily injury
17 or death.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within
25 the meaning of Section 6 of Article XIII B of the California
26 Constitution.